



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #22

WASHINGTON, D.C. – With the PATRIOT Act due to expire in 8 days unless the Senate approves the reauthorization conference report, House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #22 – Requiring Annual Public Reporting on the Use of Delayed-Notice Search Warrants:

To assuage concerns that delayed-notice search warrants could be abused, the PATRIOT Act conference report requires public reporting on the use of these search warrants. **Specifically, the annual public report will include the “number of applications for warrants and extensions of warrants authorizing delayed notice, and the number of such warrants and extensions granted or denied during the preceding fiscal year.”** This new conference report civil liberty safeguard is not found in current law.

Notice has been delayed in only rare cases; as of January 31, 2005, the Justice Department had requested delayed-notice on a search warrant at a rate of less than 1 in 500 since passage of the PATRIOT Act on October 26, 2001.

Delayed-notice search warrants have been a valuable tool used by law enforcement for decades. Like all criminal search warrants, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that a crime has been or will be committed and that the property sought or seized constitutes evidence of this criminal offense. **Notice is delayed only to protect an on-going investigation and the safety of the American public.** Not delaying notice could allow a terrorist or criminal to flee the country, destroy evidence about his activity, alert associates to go into hiding, or even kill witnesses who could implicate the individual.

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